

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

BARBARA JOHNSON, *et al.*,)
Plaintiffs,)
v.) Case No. 4:24-cv-00174-BP
GOVERNOR MICHAEL L. PARSON,)
et al.,)
Defendants.)

**DEFENDANT POLICE BOARD'S MOTIONS TO DISMISS
UNDER RULE 12(b)(6) FOR FAILURE TO STATE A CLAIM
AND UNDER RULE 12(b)(1) FOR LACK OF STANDING**

Defendants the Kansas City Board of Police Commissioners and each of its members in their official capacities (the “Police Board”) first move to dismiss plaintiffs’ amended complaint (Doc. 11), with prejudice, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. In the first instance, the Police Board contends the amended complaint fails to state a claim upon which relief can be granted because it omits allegations about the intent of the legislatures that first passed and later reenacted and amended the law plaintiffs challenge, which is the controlling question under the case law. The 12(b)(6) motion is also based on other reasons stated in the suggestions filed contemporaneously with this motion.

The Police Board further moves to dismiss the amended complaint pursuant to Rule 12(b)(1) because plaintiffs failed to allege facts necessary to properly invoke the Court's subject-matter jurisdiction, including concrete injury, traceability, and redressability, as more fully explained in the accompanying suggestions.

The Police Board respectfully submits the Rule 12(b)(6) motion and the Rule 12(b)(1) motion as separate and distinct from each other. The Police Board also notes that under Rule 12 it

may file its motion challenging the Court's subject-matter jurisdiction at any time, including after the deadline for filing a Rule 12(b)(6) motion, so the motions need not be joined. The Police Board refers to both motions in this filing to avoid any argument concerning waiver, but the suggestions in support of each motion have been filed separately. If the Court determines that the Board improperly submitted the separate suggestions, the Board respectfully asks the Court to enlarge the relevant page limitations consistent with the supporting suggestions provided herewith.

DATED: May 20, 2024

Respectfully submitted,

/s/ Michael W. Seitz

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that May 20, 2024, the foregoing instrument was filed with the Court's electronic filing system, which sent notice of such filing to all parties of record.

/s/ *Michael W. Seitz*
Attorney for KC Board of Police Commissioners